

99046008017001, 99046008017001

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/509183110/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99046008017001, 99046008017001
Leistungsbezeichnung I	
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Gerichtliche Leistungen (046)
Verrichtungskennung	Bewilligung (017)
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.03.2022

Modul

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Fachlich freigegeben durch

Handlungsgrundlage

https://www.gesetze-im-internet.de/zpo/_119.html
https://www.gesetze-im-internet.de/zpo/_114.html
https://www.gesetze-im-internet.de/zpo/_117.html
https://www.gesetze-im-internet.de/zpo/_114.html
https://www.gesetze-im-internet.de/zpo/_117.html

Teaser

If you are unable to finance your enforcement proceedings yourself, you can apply to the court for legal aid under certain conditions.

Volltext

Legal aid offers you, as a person in need, financial support in foreclosure proceedings. As a result, you can be exempted from paying court and lawyer's fees or pay them in installments. You must reimburse the other party's lawyer's fees in the event of defeat, but also if legal aid is granted. You will only be assigned your own lawyer if representation by a lawyer appears necessary due to the difficulty, scope or importance of the case.

You must apply to the court for legal aid. Various conditions must be met in order to be granted. In the case of enforcement against movable property, a grant of legal aid covers all acts of enforcement in the district of the enforcement court on a flat-rate basis; otherwise, it can only be granted for individual acts of enforcement.

Erforderliche Unterlagen

- Application to the court (no special form required) in which you explain the intended foreclosure or the defense against enforcement measures.
- Declaration of personal and economic circumstances (form ZP 1a must be used; please also refer to the corresponding information sheet).

Voraussetzungen

- Prospects

The intended enforcement or defence against a foreclosure measure must offer a reasonable prospect of success. However, if you are the creditor, the court takes into account in particular that the prospects of success of enforcement measures cannot be reliably assessed in advance.

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- no willfulness

The prosecution or defence of the law must not be frivolous. Willfulness exists when a reasonable person in your situation would refrain from prosecution or defence if he or she had to bear the costs himself. This may be the case in the context of enforcement, for example, if enforcement attempts have already been unsuccessful several times.

- Personal and economic requirements

They must be needy, i.e. They cannot afford the costs of the legal proceedings, or can only do so in part.

In order to finance legal proceedings, you must also draw on your assets (in particular savings) to the extent that this is reasonable for you. Priority must also be given to existing legal expenses insurance and organisations of which you are a member and which provide legal protection to their members (e.g. trade unions). The same applies to persons who are obliged to support you, e.g. spouses.

In addition, you have to use your (net) income. However, various amounts will be deducted from this in your favour, e.g. housing costs or certain allowances, e.g. if you are employed or have to pay maintenance. The exact calculation of the "income to be used" can be complicated in individual cases and is carried out by the court on the basis of the information you have insured in Form ZP 1a.

Kosten

There are no court fees in the legal aid procedure. If you unsuccessfully appeal against a negative legal aid decision, a court fee will be charged for the appeal proceedings. Lawyer's fees may be incurred for the approval procedure and the appeal procedure if you hire a lawyer for this purpose. If you are defeated, you must reimburse the costs incurred by your opponent even if legal aid is granted.

Verfahrensablauf

You must apply for legal aid at the district court responsible for the enforcement proceedings in writing

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or on the record of the registry. In principle, this is also possible electronically; however, please inform yourself about the necessary requirements, a simple e-mail is not enough!

The application must be accompanied by the declaration of personal and economic circumstances (form ZP 1a).

As a rule, the court will decide on the application without an oral hearing.

If your application is (partially) rejected, you can in many cases take action against this with an immediate appeal.

Bearbeitungsdauer
Frist
**weiterführende
Informationen**
Hinweise
Rechtsbehelf

Immediate complaint pursuant to Section 127 (2) sentence 2 in conjunction with Sections 567 et seq. of the German Code of Civil Procedure (ZPO)

Kurztext
Ansprechpunkt

You must apply to the court for legal aid

Zuständige Stelle
Formulare

https://justizportal.niedersachsen.de/startseite/buerger-service/amtliche_formulare_ausfullhilfen_und_hinweisblatter/prozess_und_verfahrenskostenhilfe/prozess-und-verfahrenskostenhilfe-160572.html
https://justizportal.niedersachsen.de/startseite/buerger-service/amtliche_formulare_ausfullhilfen_und_hinweisblatter/prozess_und_verfahrenskostenhilfe/prozess-und-verfahrenskostenhilfe-160572.html

Ursprungsportal

Prozesskostenhilfe Bewilligung für die Zwangsvollstreckung